

§ 16-2320.01. Restitution

(a) (1) Upon request of the Attorney General, the victim, or on its own motion, the Division may enter a judgment of restitution in any case in which the court finds a child has committed a delinquent act and during or as a result of the commission of that delinquent act has:

(A) Stolen, damaged, destroyed, converted, unlawfully obtained, or substantially decreased the value of the property of another;

(B) Inflicted personal injury on another, requiring the injured person to incur medical, dental, hospital, funeral, or burial expenses, or lost wages; or

(C) Caused the victim of the delinquent act to incur reasonable counseling or other mental health expenses from a licensed health care provider if the delinquent act involved personal injury, child or sexual abuse, robbery, or burglary.

(2) The Division may order the parent or guardian of a child, a child, or both to make restitution to:

(A) The victim;

(B) Any governmental entity;

(C) A third-party payor, including an insurer, that has made payment to the victim to compensate the victim for a property loss under paragraph (1)(A) of this subsection or pecuniary loss under paragraph (1)(B) or (C) of this subsection.

(3) Payment of restitution to a victim under this section has priority over payments of restitution to a third-party payor or to any governmental entity.

(4) If the victim has been compensated for the victim's loss by a third-party payor, the Division may order restitution payments to the third-party payor in the amount that the third-party payor compensated the victim.

(b) The Division may order the child to make restitution directly to the victim, governmental entity, or third-party payor after consideration of the age, circumstances, and financial ability of the child to pay. The Division may order the parent or guardian to make restitution directly to the victim, governmental entity, or third-party payor after consideration of the parent or guardian's financial ability to pay.

(c) (1) A judgment of restitution under this section may not exceed:

(A) As to property stolen, destroyed, converted, or unlawfully obtained, the lesser of the fair market value of the property or \$ 10,000;

(B) As to property damaged, or substantially decreased in value, the lesser of the amount of damage or the decrease in value of the property, not to exceed the fair market value of the property, or \$ 10,000;

(C) As to personal injuries inflicted, the lesser of the actual medical, dental, hospital, funeral, and burial expenses incurred by the injured person as a result of the injury or \$ 10,000; or

(D) As to counseling or mental health expenses, the lesser of the actual expenses incurred by the injured person as a result of the incident or \$ 10,000.

(2) As an absolute limit in each case against any one child, his or her parents or guardians, or both, a judgment rendered under this section may not exceed \$ 10,000 for all acts arising out of a single incident.

(d) A restitution hearing to determine the liability of a parent or guardian, a child, or both, shall be held within 30 days after the disposition hearing and may be extended by the Division for good cause. A hearing under this section may be held as part of a factfinding or disposition hearing for the child. A judgment of restitution against a parent or guardian may not be entered unless the parent or guardian has been afforded a reasonable opportunity to be heard and to present appropriate evidence in the parent or guardian's behalf.

(e) In a restitution hearing, a written statement or bill for medical, dental, hospital, funeral, or burial expenses, or repair and replacement of property shall be prima facie evidence that the amount indicated on the written statement or bill represents a fair and reasonable charge for the services or materials provided. The burden of proving that the amount indicated on the written statement or bill is not fair and reasonable shall be on the person challenging the fairness and reasonableness of the amount.

(f) Upon request of the Attorney General or the recipient of a judgment of restitution, the Division may enforce the judgment for restitution under this section in the same manner that a monetary judgment is enforced by the Superior Court of the District of Columbia under Title 15 and applicable court rules.

(g) The Director of Social Services shall be responsible for monitoring the collection and disbursement of restitution payments when the judgment of restitution provides that restitution is to be made in periodic or installment payments. The Director of Social Services shall inform the Division of the progress or status of the restitution payments.

(h) A judgment of restitution under this section shall not preclude a civil action to recover damages from the child, parent, or guardian. A civil verdict shall be reduced by the amount paid under the judgment of restitution. A judgment of restitution may be filed under seal in any civil case.

(i) If at the restitution hearing the Division finds that a child is financially unable to pay restitution pursuant to subsection (b) of this section, the Division may order the child to perform community service or some other non-monetary service of equivalent value in lieu thereof. If at the restitution hearing the Division finds that a parent or guardian is financially unable to pay restitution pursuant to subsection (b) of this section, the Division may order the parent or guardian to perform community service or some other non-monetary service of equivalent value in lieu thereof.

(j) When entering a restitution order, the court shall include the restitution conditions both in the disposition order and in a separate judgement [sic] of

restitution which shall be filed in a special proceedings case. An order requiring an adult to pay a judgment for restitution shall be filed in a special proceedings case.

(k) An order of restitution requiring a parent or guardian, a child, or both to pay restitution constitutes a judgment and lien against all property of the person or persons required to pay for the amount they are obligated to pay under the order and may be recorded in any office for the filing of liens against real or personal property.

(l) A judgment of restitution may be enforced by the Attorney General for the District of Columbia, a victim entitled under the order to receive restitution, a deceased victim's estate, or any other beneficiary of the judgment in the same manner as a civil judgment.

(m) A judgment for restitution that is filed in a special proceedings case shall contain the following information:

(1) The amount of the restitution; and

(2) The terms of the restitution, including the length of time in which restitution payments will be made and the amount of the installment payments.

(n) The court shall provide each victim in a juvenile case with a notarized and sealed copy of the Order of Restitution or Reparation.

(o) In addition to the information that is included in a judgment for restitution filed in a special proceedings case, the Division shall provide the following information in a supplemental information form attached to the order. This information shall be kept confidential except by order of the Division:

(1) The full name, address, telephone number, and social security number of the restitution payer or person who is ordered to pay the restitution; and

(2) The full name, address, and telephone number of the recipient of the restitution.

(p) All restitution payments shall be paid to the Superior Court. The payer shall receive a receipt for the payment. If the restitution payment is mailed, a receipt will be returned only if the payer encloses a self-addressed stamped envelope.

(q) The court shall disburse the restitution payments to the recipient and make appropriate court records.

HISTORY: May 26, 2004, Mayor's Order 2004-92, § 4, 51 DCR 6052; Mar. 17, 2005, D.C. Law 15-261, § 602(g), 52 DCR 1188; Mar. 2, 2007, D.C. Law 16-191, § 40, 53 DCR 6794; , 2011, D.C. Law 18- (Act 18-722), § 6(a), 58 DCR 1174.